the child was born in the natural course of events, cannot be deducted from the pain and suffering occasioned by the miscarriage, which resulted from the defendant's negligence.

The general rule in these cases undoubtedly is that whether the defendant's conduct be wanton and intentional, or negligent merely, he is liable for the entire consequences of his tortious act, including the woman's suffering and impaired health due to and consequent upon the miscarriage. *Mann Car. Co. v. Dupre,* 54 Fed. 646; *Shartle v. Minneapolis,* 17 Minn. 308. It has been said, however, that the measure of damages is the difference between what actually was suffered as a result of the injury and miscarriage, and the pain and suffering which would have been suffered if the child had been born at the proper time. *Joyce, Dann,* S. 185. The authority for this rule seems to be a statement in *Hawkins v. Front St. Ry. Co.,* 3 Wash. 592, 600, where it is said, "and so we have no doubt that, if Mrs. Hawkins shows impairment of health and suffering growing out of the death and premature birth of her child, which would not have attended its birth at the usual time, . . . respondents can recover for her suffering and impaired health." See also, *Berger v. Railway Co.,* 95 Minn. 84.

FRAUD—DECEPTION CONSTITUTING FRAUD.—ALDRICH V. SCRIBNER, 117 N. W. 581 (MICH.).—*Held,* that if a representation is false in fact, and actually deceives the one to whom it is made, it is actionable fraud, though made in good faith and with every reason to believe it is true. Montgomery, Blair and Ostrander, JJ., *dissenting.*

The general rule is that an action is maintainable for damages sustained from a false representation made by the defendant knowing it to be false, or without belief in its truth, or recklessly without caring whether it be true or false. *Derry v. Peek,* L. R. 14 App. Cas. 327; *Cooper v Schlesinger,* 111 U. S. 148; *Kountze v. Kennedy,* 147 N. Y. 124. There can be no fraud without moral delinquency. *Crowell v. Jackson,* 53 N. J. Law, 656. It is not enough to show that the representations were made through mistake, ignorance, or carelessness, or without reason to believe that they were true. *Mentzer v. Sargeant,* 115 Ia. 527. In Michigan it is immaterial whether the false representation is made innocently or fraudulently, if by its means the party to whom it is made is injured. *Totten v. Burhans,* 91 Mich. 495. False statements have been held actionable if they were made without reasonable grounds to believe them to be true. *Trimble v. Reid,* 97 Ky. 713; *Rowell v. Chase,* 61 N. H. 135; *Ramsay v. Wallace,* 100 N. C. 75. If the defendant stated as of his own knowledge, material facts susceptible of knowledge which were false, although he did not know them to be false, that he believed them to be true is no defence. *Litchfield v. Hutchinson,* 117 Mass. 195; and this Mass. doctrine has been followed in Indiana, Minnesota, Wisconsin, New Hampshire and New Jersey.

LANDLORD AND TENANT—WASTE—LIABILITY OF LESSEE—ACTS OF STRANGER.—RIMOLDI V. HUDSON GUILD, 110 N. Y. SUPP. 881. *Held,* that removal by a stranger of things fixed to the freehold without knowledge of the lessee does not render the latter liable for voluntary waste.

The courts seem to differ on this question, but still the decided weight